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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,797	09/15/2003	Jack G. Clemens	990427 U1 USA	9512

7590 09/26/2005  
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**RECEIVED**  
**OIPE/IAP**

**OCT 28 2005**

EXAMINER	
WALKER, ZAKIYA NICOLE	
ART UNIT	PAPER NUMBER
3676	

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/662,797

Applicant(s)

CLEMENS ET AL.

Examiner

Zakiya N. Walker

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-17 and 19-54 is/are rejected.
- 7) ☒ Claim(s) 3 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01092004,02142005
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 6, 8, 9, 11-16, 20, 21, 23, 24, 26-35, 37, 39-48, 51, 53, and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,988,287.

US'587 discloses, with respect to claims 1 and 16, an apparatus that includes a downhole force generator [fishing tool] for interaction with a well tool 14 comprising: a downhole power unit having a moveable shaft 138; an anchor 20; and an operating [pulling] tool 128. With respect to claims 27 and 43, the reference discloses a method for transmitting force to [dislodging] a well tool comprising: running a downhole force generator [fishing tool] downhole; longitudinally securing the generator [fishing tool] within a wellbore; operably engaging the well tool with the generator [fishing tool]; and transmitting a force to [dislodging] the well tool. With respect to the depending claims, the reference teaches the limitations as claimed, including slips 110 and packer element.

3. Claims 1, 2, 5, 6, 8, 10-17, 20, 21, 23, 25-31, 33-37, 39-47, 49-51, 53, and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,228,507 (cited by applicant).

Art Unit: 3676

US'507 discloses, with respect to claims 1 and 16, an apparatus that includes a downhole force generator [fishing tool] for interaction with a well tool comprising: a downhole power unit 110 having a moveable shaft; an anchor 64; and an operating [pulling] tool 74. With respect to claims 27 and 43, the reference discloses a method for transmitting force to [dislodging] a well tool comprising: running a downhole force generator [fishing tool] downhole; longitudinally securing the generator [fishing tool] within a wellbore; operably engaging the well tool with the generator [fishing tool]; and transmitting a force to [dislodging] the well tool. With respect to the depending claims, the reference teaches the limitations as claimed, including slips 64, power source 150, electric motor 20, spring 67, and wireline 10.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,228,507 in view of EP 0952302 (cited by applicant).

US'507 discloses an apparatus and method as stated above. However, the reference fails to teach or suggest a downhole controller as called for in the claims.

EP'302 teaches a downhole force generator having a downhole controller 4 for the purpose of controlling the operation of a downhole tool 6.

It would have been considered obvious for one of ordinary skill in the art at the time the invention was made to have provided the apparatus of US'507 with a downhole controller in view of EP'302 in order to provide for downhole control of the well tool.

6. Claims 7, 22, 38, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,228,507 in view of EP 0999343 (cited by applicant).

US'507 discloses an apparatus and method as stated above. However, the reference fails to teach or suggest the downhole shaft rotatably moveable such that the downhole force generator generates a rotary force on the well tool as called for in the claims.

EP'343 teaches a method and apparatus for actuating a downhole device that includes a downhole unit imparting a rotary force on a tool for the purpose of actuating a well tool.

It would have been considered obvious for one of ordinary skill in the art at the time the invention was made to have provided the apparatus of US'507 with a downhole rotary force on a well tool in view of EP'343 in order to move the well tool.

#### ***Allowable Subject Matter***


7. Claims 3 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

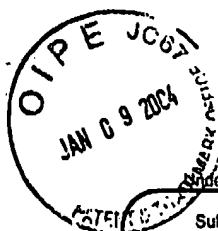
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya N. Walker whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Zakiya N. Walker  
Primary Examiner  
Art Unit 3676

ZW  
September 20, 2005



PTO/SB/08A (02-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1**Complete if Known**

Application Number	10/662,797
Filing Date	September 15, 2003
First Named Inventor	Jack G. Clemens et al.
Art Unit	3672
Examiner Name	Unassigned
Attorney Docket Number	1301-1144

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
3W		US- 5,070,941	12-10-1991	Kilgore	<div>Class Figures Appear Sub</div> <div></div>
		US- 5,492,173	02-20-1996	Kilgore et al.	
		US- 5,775,433	07-07-1998	Hammett et al.	
		US- 6,070,672	06-06-2000	Gazda	
		US- 6,199,628	03-13-2001	Beck et al.	
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FOREIGN PATENT DOCUMENTS					
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Examiner  
SignatureDate  
Considered

9/20/05

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Sheet	1	of	1
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PTO/SB/08A (02-03)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**Complete if Known**

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## U. S. PATENT DOCUMENTS

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Signature**

Date  
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		Country Code <sup>2</sup> Number <sup>4</sup> Kind Code <sup>3</sup> (if known)	MM-DD-YYYY		
JW		EP 0 511 789 A2	11-04-1992	Burns et al.	
		EP 0 931 906 A2	07-28-1999	Gazda	
		EP 0 952 302 A2	10-27-1999	Beck et al.	
		EP 1 344 893 A2	09-17-2003	Sheiretov et al.	
		EP 0 999 343 B1	04-14-2004	Mullen et al.	

Examiner Signature	<i>[Signature]</i>	Date Considered	9/20/05
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**(Use as many sheets as necessary)**

Sheet 1

of 11

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		Number-Kind Code <sup>2</sup> (if known)			
zw		US- 5,197,773	03-30-1993	Vick, Jr.	class 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874,

## FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner  
Signature**

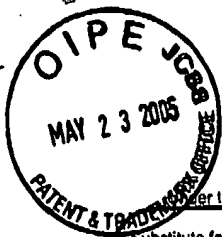
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Considered	

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	10/662,797
		Filing Date	September 15, 2003
		First Named Inventor	Jack G. Clemens et al.
		Art Unit	3672
		Examiner Name	Unassigned
Sheet 1	of 1	Attorney Docket Number	1301-1144

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
3w		UK Search Report; January 21, 2005; 2 pages.	
3w		Dutch Search Report; April 11, 2005; 3 pages.	

Examiner Signature		Date Considered	9/20/05
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Filing Date	September 15, 2003
First Named Inventor	Jack G. Clemens et al.
Art Unit	3672
Examiner Name	Unassigned
Attorney Docket Number	1301-1144

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
34		US- 4,687,054	08-18-1987	Russell et al.	<del>class Figures Appear 546</del>
		US- 5,103,903	04-14-1992	Marks, II	
		US- 5,139,086	08-18-1992	Griffith, Sr.	
		US- 5,267,613	12-07-1993	Zwart et al.	
		US- 5,330,018	07-19-1994	Griffith	
		US- 6,502,638	01-07-2003	Stoesz	
		US- 6,729,419	05-04-2004	Lee	
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**FOREIGN PATENT DOCUMENTS**

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
3W		WO 03/048511 A1	06-12-2003	Weatherford/Lamb, Inc.		

Examiner Signature	<i>g/wale</i>	Date Considered	9/20/05
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<b>Notice of References Cited</b>	Application/Control No. 10/662,797		Applicant(s)/Patent Under Reexamination CLEMENS ET AL.	
	Examiner Zakiya N. Walker		Art Unit 3676	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,988,287	11-1999	Jordan et al.	166/386
	B	US-			
	C	US-			
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**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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